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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,607	07/26/2001	Rodney D. Cambridge	NETAP014	8717

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Zilka-Kotab, PC
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EXAMINER

SCHUBERT, KEVIN R

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/916,607

Applicant(s)

CAMBRIDGE, RODNEY D.

Examiner

Kevin Schubert

Art Unit

2137

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments with regard to the objection of claim 5 have been considered, but the examiner maintains the objection. Regardless of the applicant's remarks about the font, the claim appears to depend on claim 43.

Applicant's arguments with respect to the independent claims have been considered but they are not persuasive. The applicant argues that Henrie does not teach that the device continues to periodically send an identifying signal to the control unit when it is at least partially non-functional. Henrie does teach this. Henrie discloses that the device is configured to send an identifying signal on a periodic basis to the control unit (Col 11, lines 31-35). Moreover, the device continues to send the signal when the device is in locked mode as the device still has the ability to transmit to the Web Site in locked mode (Col 11, lines 44-45). The device is unlocked only after the Web site determines that the authorized person is using the device. This is done by the authorized user alerting the Web Site that he has found the device. This can be done by the user accessing a computer, separate from the device, and connecting to the Web Site to update his account (Col 10, lines 6-22) to indicate that the device is found. When this happens the account information is updated so that the next time the device connects to the Web Site either through a manual attempt or a periodic attempt, the Web Site sends a signal back to the device to unlock it and enable normal operation. If the authorized user does not have the device and therefore has not alerted the Web Site that the device is found, the account information will maintain that the device is lost/stolen. If this is the case, when the device sends a signal to the Web Site either through a manually triggered send or a periodically triggered send, the Web Site will look up the account information, determine the device is lost/stolen, and the device will continue to remain disabled (Col 11, lines 61-62).

To cite an example, suppose the user sets his device to make contact with the Web Site on a periodic basis, such as every hour. The device is stolen and taken outside a communicatable range. The device will then be disabled when the device sends its hourly signal to the Web Site and does not get a response back. The device is then recorded as lost/stolen in the user's account. The device is still set to periodically send an hourly signal, but it does not receive a signal back. The device can then be brought back into the communicatable range of the Web Site. If the device is locked and transmits its hourly signal and the account information indicates that it is lost/stolen, it will stay locked (Col 11, lines 59-61). If the authorized user then finds the device and updates the account on the Web Site to indicate that the device is found, it will then and only then be unlocked on the signal such as a manual signal or the next hourly signal.

Henrie never discloses that the device's ability to periodically send a signal to the control unit is shut down when the device is in locked mode. To the contrary, Henrie teaches that the device continues to poll for an unlock signal even when it is in locked mode (Col 11, lines 59-62).

Applicant's arguments with respect to claim 7 have been considered but they are not persuasive. The applicant argues that Odagiri teaches alerting with respect to reception of the signal and not when it is determined that the device is not within the communicatable range of communications of the control unit. Reception of a signal is used to determine that a device is within range of communications of the control unit. If a signal is not received, an alert is produced and information is displayed to indicate that the device is not within the range of communications of the control unit (see Odagiri [0067],[0068]).